

APPENDIX A

Title 18, § 4318 of the Pennsylvania statutes provides:

§ 4318. Extortion

Whoever, being a public officer, wilfully and fraudulently receives or takes any reward or fee to execute and do his duty and office, except such as is or shall be allowed by some act of Assembly, or receives or takes, by color of his office, any fee or reward whatever, not, or more than is, allowed by law, is guilty of extortion, a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment not exceeding one (1) year, or both. 1939, June 24, P.L. 872, § 318.

Title 18, § 4801 of the Pennsylvania statutes provides:

§ 4801. Blackmail

Whoever by means of written, printed or oral communications, intimidates, or levies blackmail, or extorts money, property or other valuable thing from any person or by such means attempts to intimidate, annoy, or levy blackmail, or extort money, property or other valuable thing from any person, is guilty of a misdemeanor, and on conviction, shall be sentenced to imprisonment not exceeding three (3) years, or to pay a fine not exceeding two thousand dollars (\$2,000), or both.

Title 18, § 4802 of the Pennsylvania statutes provides:

§ 4802. Blackmail by injury to reputation or business

Whoever, with intent to intimidate, annoy or levy blackmail, or extort money, property or other valuable thing from any person, by means of threats, charges or accusations by written, printed, or oral communications, injures the person, property, reputation or business of any person, is guilty of a misdemeanor, and on conviction, shall be sentenced to imprisonment, by separate or solitary confinement at labor or by simple imprisonment, not exceeding three (3) years, or to pay a fine not exceeding two thousand dollars (\$2,000), or both. 1939, June 24, P.L. 872, § 802.

Title 18, § 4803 of the Pennsylvania statutes provides:

§ 4803. Blackmail by accusation of heinous crime

Whoever accuses any person of any heinous crime, or of any assault with intent to commit such heinous crime, or any attempt to endeavor to commit the same, or of making or offering any solicitations, persuasion, promise or threat to any person, whereby to move or induce such person to commit, or permit such heinous crime, with a view and intent to extort or gain from such person, or by intimidating such person by such accusation or threat, extorts or gains from such person any money or property, is guilty of a felony, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand dollars (\$5,000), or to undergo imprisonment, by separate or solitary confinement at labor, not exceeding ten (10) years, or both. 1939, June 24, P.L. 872, § 803.

APPENDIX B

The following jurisdictions in addition to Pennsylvania make it an offense to obtain money or property by threatening to accuse the victim of crime or otherwise to injure his reputation but do not label that offense "extortion."

Blackmail Statutes:

Alabama—Code of Alabama, Title 14, §§ 49, 50

Alaska—Statutes 1962, § 11.15.300

Arkansas—Statutes 1947, § 41-4002

Connecticut—General Statutes (1958), § 53-40

District of Columbia—D.C. Code, § 22-2305

Georgia—Ga. Code, § 26-1801

Kentucky—Revised Statutes (1963), § 435.270

Montana—Revised Codes, § 94-1609

Nebraska—Revised Statutes (1943), §§ 28-441 *et seq.*

New Hampshire—Revised Statutes (1955), § 572:46

North Carolina—General Statutes, §14-118

Ohio—Revised Code 1953, § 2901.38

South Carolina—Code of Laws, 1962, § 16-566.1

Wyoming—Statutes (1957), § 6-147

Robbery Statutes:

Kansas—Kansas Statutes, § 21-529

Mississippi—Code, § 2365

Missouri—Vernon's Annotated Statutes, § 560.130

One state, Rhode Island, punishes this conduct under a statute entitled "Extortion and Blackmail":

Rhode Island—General Laws, § 11-42-2.

Colorado, Illinois and Indiana include such conduct under statutes entitled "threat" and "theft"; Minnesota under its "coercion" statute; and Wisconsin under the heading "threats":

Colorado—Revised Statutes, § 40.5-2 (Ch. 312, Laws 1967)

Illinois—Statutes, Chapter 38, §§ 15-5, 16-1

Indiana—Burns' Annotated Statutes (1968 Supp.), §§ 10-3030, 10-3040(18)

Minnesota—Statutes, Criminal Code of 1963, § 609.27

Wisconsin—Statutes, § 943.30.

Such conduct would probably be covered under both an extortion and a blackmail statute in two states:

Delaware—Code Title 11 §§ 502, 503

Washington—Revised Code, §§ 9.33.010, 9.33.050

The remainder of the states define this offense under such titles as extortion, fear used to extort, intent to extort, malicious threats to extort and larceny by extortion.

Arizona—Revised Statutes, § 13-401

California—Penal Code, § 519

District of Columbia—§ 1501, Pub. L. 90-351, 82 Stat. 238

Florida—Statutes, § 836.05

Hawaii—Revised Laws, § 11271

Idaho—Code, § 18-2802

Iowa—Code, § 720.1

Louisiana—Revised Statutes, § 14-66

Maine—Statutes, Title 17, § 3702

Maryland—Statutes, Article 27 §§ 561, 562

Massachusetts—Laws, Chapter 265, § 25

Michigan—Statutes, § 28.410

Nevada—Revised Statutes, § 205.320

New Jersey—Statutes, §§ 2A:105-3, 2A:105-4
New Mexico—Statutes, § 40A-16-8
New York—Penal Law, § 155.05
North Dakota—Code, § 12-37-02
Oklahoma—Statutes, Title 21, § 1482
Oregon—Revised Statutes, § 163.480
South Dakota—Code, §§ 13.3905, 13.3906
Tennessee—Code, § 39-4301
Texas—Penal Code, Art. 1268, 1301
Utah—Code, § 76-19-2
Vermont—Statutes, Title 13, § 1701
Virginia—Statutes, § 18.1-184
West Virginia—Code, § 61-2-13

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Counter-Statement of the Issues Presented

**COUNTER-STATEMENT OF THE ISSUES
PRESENTED**

Whether the indictment charges the appellees with a crime under Title 18 U.S.C. 1952?

Whether the crime of "blackmail" can be equated with the crime of "extortion" under the law of Pennsylvania?

Whether it was the intention of Congress to equate the crime of "blackmail" with the crime of "extortion" in those states which, like Pennsylvania, legally distinguish the two offenses?